

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MOONGATE WATER CO., INC.,
a New Mexico Public Utility,

Plaintiff,

vs.

No. CIV 00-0063 JC/LCS

BUTTERFIELD PARK MUTUAL DOMESTIC
WATER ASSOCIATION, a/k/a BUTTERFIELD PARK
MUTUAL DOMESTIC WATER CONSUMERS AND
MUTUAL SEWAGE WORKS ASSOCIATION,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER came before the Court for a hearing on January 15, 2002, on the following motions: (1) Defendant's Motion and Brief in Support to Cite Plaintiff for Contempt, filed November 7, 2001 (*Doc. 75*); (2) Plaintiff's Motion to Strike Exhibits, filed November 19, 2001 (*Doc. 78*); and (3) Defendant's Motion and Brief for Attorneys Fees, filed May 31, 2001 (*Doc. 54*). The Court has reviewed the motions, the memoranda and exhibits submitted by the parties, the relevant authorities, and the arguments of counsel.

A district court may exercise broad discretion in using its contempt power to assure compliance with its orders. *See Consumers Gas & Oil, Inc. v. Farmland Indus., Inc.*, 84 F.3d 367, 370 (10th Cir.1996). Here, the Court finds that the facts do not establish the Plaintiff purposefully violated this Court's Memorandum Opinion and Order, filed October 25, 2000 (*Doc. 31*). Accordingly, Defendant's Motion and Brief in Support to Cite Plaintiff for Contempt is

denied.

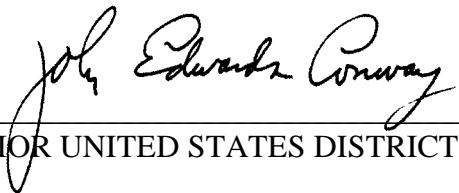
Base on this ruling, Plaintiff's Motion to Strike Exhibits is now moot; therefore, the motion is denied. Finally, with respect to Defendant's motion for attorneys fees, the Court will take this matter under advisement.

Wherefore,

IT IS ORDERED that Defendant's Motion and Brief in Support to Cite Plaintiff for Contempt, filed November 7, 2001 (*Doc. 75*) is denied.

IT IS FURTHER ORDERED that Plaintiff's Motion to Strike Exhibits, filed November 19, 2001 (*Doc. 78*) is denied.

DATED this 16th day of January, 2002.



SENIOR UNITED STATES DISTRICT JUDGE

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